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19 Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

21 RICHARD B. HOGUE,

22 Plaintiff,

23 vs.

24 ALLIED COLLECTION SERVICE, INC;  
SELENE FINANCE, LLC; MOUNTAIN  
25 AMERICA CREDIT UNION; SILVER  
STATE SCHOOLS CREDIT UNION; IBEW  
26 PLUS CREDIT UNION; EQUIFAX  
INFORMATION SERVICES, LLC;  
27 EXPERIAN INFORMATION SOLUTIONS,  
INC,

28 Defendants.

CASE NO. **2:16-cv-01620-JCM-VCF**

**MOTION TO SEAL EXHIBITS TO  
PLAINTIFF'S RESPONSE TO  
DEFENDANT SILVER STATE SCHOOLS  
CREDIT UNION'S MOTION FOR  
SUMMARY JUDGMENT**

1  
2 Plaintiff Richard Hogue (“Plaintiff”) moves under Nevada Local Rule 10-5 and Federal  
3 Rule of Civil Procedure 5.2 for leave to file certain exhibits to his Response to Defendant Silver  
4 State Schools Credit Union’s (“Silver State”) Motion for Summary Judgment under seal or  
5 redacted in part, as described below.

6  
7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 While courts recognize a general right to “inspect and copy public records and documents,  
9 including judicial records and documents,”<sup>1</sup> access to judicial records is not absolute.<sup>2</sup> “[T]he  
10 court may order that a filing be made under seal without redaction.”<sup>3</sup> To seal documents attached  
11 to a motion for summary judgment, a party must demonstrate a compelling reason to prevent  
12 disclosure,<sup>4</sup> which can occur when public records “become a vehicle for improper purposes, such  
13 as the use of records to gratify private spite, promote public scandal, circulate libelous statements,  
14 or release trade secrets.”<sup>5</sup>

15 While Plaintiff is unwilling to acknowledge that the circumstances of this case permit  
16 Defendant Silver State categorical protection of all of the documents it has produced in discovery,  
17 unique identifiers – such as full financial account numbers, social security numbers, and the like –  
18 have been produced in discovery, yet have little relevance to prosecution of the case, and a  
19 potential for great harm if widely disseminated. Plaintiff files under seal or redacts those portions  
20 of exhibits and deposition testimony that the parties marked confidential in accordance with this  
21 Court’s Protective Order.<sup>6</sup>

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26 <sup>1</sup> *Nixon v. Warner Communs., Inc.*, 435 U.S. 589, 597 n.7 (1978).

27 <sup>2</sup> *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

28 <sup>3</sup> Fed. R. Civ. P. 5.2(d).

<sup>4</sup> *Kamakana*, 447 F.3d at 1178-79; *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092 (9th Cir. 2016).

<sup>5</sup> *Kamakana*, 447 F.3d at 1178-79; *see also Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003).

<sup>6</sup> *See* ECF Dkt. 19.

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**CONCLUSION**

For the foregoing reasons, Plaintiff requests that the motion to seal be granted as to his  
Response to Defendant Silver State Schools Credit Union's Motion for Summary Judgment.

Dated: July 31, 2017

Respectfully submitted,

/s/ Miles N. Clark

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Attorneys for Plaintiff

IT IS SO ORDERED:



UNITED STATES MAGISTRATE JUDGE

DATED: 8-16-2017

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 31, 2017, and pursuant to the Federal Rules of Civil Procedure, a true and correct copy of the foregoing **MOTION TO SEAL EXHIBITS TO PLAINTIFF’S RESPONSE TO DEFENDANT SILVER STATE SCHOOLS CREDIT UNION’S MOTION FOR SUMMARY JUDGMENT** was served via the U.S. District Court’s electronic filing system to all individuals entitled to receive service thereon.

/s/ Lucille Chiusano  
An employee of Knepper & Clark LLC